

**Supplemental Information Disclosure Statement**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

Dated: March 19, 2010

Electronic Signature for Michael P. Visconti, III: /Michael P. Visconti, III/

Docket No.: 101896-241

DEP5293

(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Mark C. Boomer et al.

Application No.: 10/708,919

Confirmation No.: 2918

Filed: March 31, 2004

Art Unit: 3733

For:      **ADJUSTABLE-ANGLE SPINAL FIXATION  
ELEMENT**

Examiner: D. C. Comstock

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT (IDS)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

The references listed on the attached PTO/SB08 were cited in a European Search Report dated January 27, 2010, during the prosecution of European Application No. 09180080.5, which is related to the above referenced application. A copy of the Search Report is submitted herewith.

In accordance with 37 CFR 1.98(a)(2)(ii), Applicant has not submitted copies of U.S. patents and U.S. patent applications. Applicant submits herewith copies of foreign patents and non-patent literature in accordance with 37 CFR 1.98(a)(2).

Applicant also calls the Examiner's attention to the following co-pending application, the prosecution of which may be relevant to the pending application:

- **U.S. Application No. 11/873,847 (101896-821) entitled "ADJUSTABLE-ANGLE SPINAL FIXATION ELEMENT" filed on October 17, 2007.**

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in § 1.56(b).

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 141449, under Order No. No 101896-241.

Dated: March 19, 2010

Respectfully submitted,

Electronic signature: /Michael P. Visconti, III/  
Michael P. Visconti, III  
Registration No.: 63,674  
NUTTER MCCLENNEN & FISH LLP  
Seaport West  
155 Seaport Boulevard  
Boston, Massachusetts 02210-2604  
(617) 439-2422  
(617) 310-9422 (Fax)  
Attorney for Applicant

1907086.1